

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

August 21, 2013

The North Ogden Planning Commission convened in a regular meeting on August 21, 2013 at 6:33 pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on August 16, 2013. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Larry Residori	Chairman
Eric Thomas	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Dee Russell	Commissioner
Don Waite	Commissioner

STAFF:

Craig Barker	Community Development Director
Gary Kerr	Building Official
Stacie Cain	Community Dev. Coord./Deputy City Recorder

EXCUSED:

Steve Quinney	Commissioner
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VISITORS:

Larry Goodwin
Scott Hancock
Shelley Hancock

REGULAR MEETING

Chairman Residori called the regular meeting to order at 6:33 pm. Vice-Chairman Thomas offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. CONSIDERATION TO APPROVE THE JUNE 19, 2013 PLANNING COMMISSION MINUTES.

Vice-Chairman Thomas made a motion to approve the June 19, 2013 Planning Commission minutes. Commissioner Brown seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Waite	abstained

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

Scott Hancock, 2671 N. 200 E., stated he read the minutes of the June 12, 2013 work session meeting and the thing that he did not like the most was that one of the Planning Commissioners said they were thinking of splitting the property and making it commercial and that is what he does not want. He stated he does not want a commercial property in his neighborhood. He stated he agreed to the planting of the trees to make a vegetative barrier and if Mr. Rands cleans the property he is ok with that, but making the property commercial and splitting it up or subdividing it goes against everything that the current zoning of the property is. He stated he does not know why the Planning Commission would want to take a residential property and make it commercial.

Commissioner Knight stated the discussion Mr. Hancock is referencing took place in a work session and it was just a thought and was never pursued and will not be pursued. Chairman Residori agreed and stated that the Planning Commission agrees with the other residents that live near Mr. Rands. Mr. Hancock asked how the residents can be assured of that because Mr. Rands has never obtained permits in the past to add on to a building on his property and there are no records in the City of what happened with the property. He asked how he, as a resident of North Ogden, can trust the Council and the City as a whole that they will not subdivide the property in the near future. Commissioner Knight asked Mr. Hancock how long he has lived at his address, to which Mr. Hancock answered 20 years. Commissioner Knight stated there were two businesses on the property prior to Mr. Rands owning it and because it is a non-conforming use that is why it was allowed. Mr. Hancock stated he understands the Planning Commission cannot change what happened in the past with the property, but his concern is how to trust that the City

will not split the property at a later time and make half of it commercial and half of it residential. Commissioner Knight stated that this was not even an agenda item and it was simply mentioned in a work session. Commissioner Brown added that there is a residence on the property and that may be where the confusion came from, but she does not think the discussion was ever about changing the zoning of the property to commercial. Chairman Residori agreed and stated that was never the intent of the discussion. Mr. Hancock stated he understands that, but the Planning Commission can raise it as a thought now that it will be brought up again. Chairman Residori asked Community Development Director Craig Barker to explain the process that must be followed to rezone a property and he noted it is difficult to change the zoning of a property. Mr. Barker introduced himself and reviewed the rezoning process and stated the major influence on a rezone petition is the General Plan, which includes recommended land uses for the entire City. He stated the area being discussed by Mr. Hancock is projected to remain residential in the General Plan and the City has no intent of changing that. He stated that this cannot prevent a property owner from petitioning the City to have their property rezoned, but the General Plan would be heavily considered when determining how to act on that petition. Chairman Residori added that if a rezone petition is filed all neighboring property owners would be notified of the request and of a public hearing to be held regarding the proposed rezone. Mr. Barker added that the City Council makes the final decision regarding a rezone after receiving a recommendation from the Planning Commission. Mr. Hancock asked how he can find out what agreement was made between Mr. Rands and the City in order for him to receive a conditional use permit for the expansion of his building. Mr. Barker stated he has provided a copy of the minutes to Mr. Hancock's wife. Mr. Hancock stated that the reason he questions the issue is that he went to the City's website and there were no minutes regarding the issue for him to read. He stated that is what he is mad about as well as the fact that someone talked about changing the zoning of the property to commercial. Commissioner Knight reiterated that comment was made in a work session and the Planning Commission cannot make the decision to rezone a property on a whim. Mr. Hancock stated that if someone brought the issue up in a work session then it is on someone's mind. He added it was disheartening that he could not find information on the website even though he knew the discussion was scheduled to occur.

Shelly Hancock, 2671 N. 200 E., stated her biggest concern in the mess around the property and the mess around the next door residence with the semi-trailers. She stated it does not look like anything is happening to clean the property. She asked if there is a time frame in which Mr. Rands must comply. Mr. Barker stated the City did receive a complaint about the neighboring property and he will follow up with the City's Code Enforcement Officer to get the status of that complaint. He then stated Mr. Rands was issued a conditional use permit and he has two years to complete everything at the property or he will be in jeopardy of losing the CUP. Commissioner Russell asked if the Planning Commission votes on CUPs every year. Mr. Barker stated there are specific CUPs that are voted upon every year, but Mr. Rands' is not one of them. He reviewed some of the classifications of CUPs that are reviewed on an annual basis. Commissioner Russell stated that he thought the Planning Commission talked about reviewing the status of Mr. Rands' property after one year to see if he had complied with the stipulations of his CUP. Mr. Barker stated he will determine if that is accurate. Ms. Hancock then referred to the complaints that have been filed about the property and asked if it would do the residents any good to continue to complain about the state of the property in order to make the process move faster. Commissioner Knight encouraged Ms. Hancock to document when she files complaints

about the properties. Mr. Barker stated usually when the City receives a second complaint it will be forwarded to the Building Official so they can make contact with the complainant. Commissioner Brown asked Ms. Hancock what progress she has seen at Mr. Rands' property. Ms. Hancock stated there has been no progress to clean the property and that is why she is here tonight. Commissioner Brown stated she visited the property prior to a final decision being made, but she has not been back since then. Mr. Barker stated he believed that Mr. Rands has moved his semi-trailer. Ms. Hancock stated she did not believe it had moved and that is why she was asking if there is a time frame for him to comply with the stipulations of his CUP. Chairman Residori stated this has been a very frustrating situation and he does not know how the City can do any better to address it. He stated the property is very junky and needs to be cleaned. Mr. Barker stated that everyone needs to understand that the City cannot just go to a property owner and make demands for them to clean their property; the City must follow the law and sometimes it is even necessary for a complaint to be addressed by the court system. Commissioner Brown stated that she remembered a discussion about asking the Fire Marshall to visit the property because there were even some concerns about fire hazards. Mr. Hancock stated Mr. Rands has controlled the weeds, but he has done nothing else to clean the property. Chairman Residori asked the Hancock's to stay on top of the issue and he stated the Planning Commission is on their side. He reiterated it is a very frustrating situation. Commissioner Knight stated the City is governed by rules and ordinances just like a business has an employee handbook; there can be disciplinary action taken via a warning or citation. Commissioner Brown stated that she does believe two years is a long time to allow Mr. Rands to clean the property and she thinks it should have been six months. Commissioner Knight stated it is his understanding that Mr. Rands has removed some old trucks and camper shells; there has been some movement, but maybe it is not as much as the residents would like to see.

Mr. Barker then stated that tonight is Chairman Residori's last meeting and he wanted to thank him for his service and all the great work he has done as a Planning Commissioner. He also asked the newest Planning Commissioner, Don Waite, to introduce himself. Mr. Waite provided a brief summary of his background as a manufacturing engineer and stated he is happy for the opportunity to serve. He stated he lives at 866 E. 2800 N. near the potential Monroe Boulevard extension.

2. REVIEW AND APPROVAL OF ROYLANCE FARMS PHASE II AMENDMENT 4.

A staff memo from Community Development Director Craig Barker explained this is the fourth amendment to the Roylance Farms Planned Residential Unit Development. The Owners Association has asked that the City allow the different amendments to satisfy their desires for ownership of lots and transfer some of the common areas to the City. One of the earlier amendments transferred property to several lots which originally had private property only beneath each home with the abutting land as common space. The Planning Commission approved this amended plat of several lots so that the common space was eliminated and joined to the existing lots. Secondly, the Planning Commission and the City Council agreed to accept property to be transferred to the City. This included a storm water detention basin at the east end of the subdivision on 1900 North and an open grass area on the north side of 1900 North extending from 150 West to the City's property to the east along Cold Water Creek. This

proposal is to slightly revise existing property lines and little else. Staff recommends approval of this amendment.

Mr. Barker reviewed his staff memo and reviewed the map of the subdivision as well as provided a summary of the first three amendments to Phase II of the subdivision.

**Commissioner Knight made a motion to approve the Roylance Farms Phase II Amendment
4. Commissioner Russell seconded the motion.**

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Waite	yes

The motion passed unanimously.

Larry Goodwin, 101 E 1875 N, stated he is a member of the homeowners association (HOA) for the Roylance Farms subdivision and what they wanted to do was get rid of a small area of common space so they extended the property lines of the adjoining property owners. He stated a trail was eliminated in the process and the entire area was cleaned up. He stated it was difficult to gain access to the common area and the HOA could not justify keeping it so they decided to divide it among the abutting property owners. Chairman Residori stated that is similar to what happened in Phase I of the subdivision. Mr. Barker stated there were a couple of things done in the Phase I; just west of Big-O Tires there are duplexes and to the west of those are single family homes on smaller lots. He stated a resident and the HOA asked to increase the size of those lots by eliminating common space in the phase. He added that they also wanted to give the strip of property on the north side of the phase to the City because it was difficult for them to pay for upkeep and maintenance of the property. He stated the City's trail plan follows the stream through that area and the City was happy to assume ownership of the property. He added there is a letter from the City Engineer regarding the basin and the HOA needs to be aware that they need to talk about and perhaps separate the irrigation system on the grassy area from their system. Mr. Barker and Mr. Goodwin briefly reviewed the map to determine what areas of the phase were subject to this amendment and who would be responsible for the properties.

3. FINAL DISCUSSION ON THE MIXED-USE ZONE.

A staff memo from Community Development Director Craig Barker explained the Proposed Mixed-Use Zone for North Ogden City is intended to offer alternative designs for developments within the City's commercial core area. The purpose of a mixed-use zone is to create innovative design with different types of land uses integrated on the same site. These types of developments are encouraged to provide a compact area with an attractive environment for people to shop,

work, and live. The proposed ordinance requires that any mixed-use area have a minimum of at least three land uses, one of which must be residential. A mixed-use zone is required to have a theme which identifies the intended use, i.e., residential focus, commercial focus, or office focus. There are standards which state the maximum amount of a single land use in each area. Some of the allowed uses in other commercial zones are excluded because of the nature of the business, for example businesses with drive up windows. There is a list in the proposed zone sent to the Planning Commission. Site design guidelines are different from the City's existing commercial zones which generally cater to auto traffic while mixed-use zones encourage pedestrian movement within the development. This is accomplished in a number of ways such as building cluster and shared parking. There are significant building standards and open space requirements. A major part of the mixed-use zone development guidelines are the Development Master Plan and the Developer's Agreement. These two documents are critical to the success of the project.

Mr. Barker reviewed his staff memo and stated the City Council is very interested in getting a recommendation regarding mixed-use zoning from the Planning Commission. He stated it will be important to establish a minimum property size on which a mixed-use development could be built; which could be as small as five acres, which may be appropriate for a community the size of North Ogden.

Commissioner Russell inquired as to the size of the property where Kirt's is located. Mr. Barker stated it is approximately 10 acres in size and he believes the City Council has taken steps to make that a redevelopment area (RDA).

Commissioner Brown stated Mr. Barker indicated the City Council is anxious to take on this zoning and he asked if that is a unanimous decision. Mr. Barker stated he does not know if it is unanimous and he has simply heard from the City Manager and the Economic Development Consultant that the City Council would like to receive a recommendation. Chairman Residori stated there was mention in an Economic Development Committee meeting that the City Council really did not want to do anything until the Master Plan is updated, but they would want to insert this type of zoning in the Master Plan. Mr. Barker agreed. He then reviewed the draft document relative to the zone and he emphasized that a project master plan and a development agreement would be required to accompany any mixed-use development; the development agreement would be between the developer and the City; the Planning Commission will participate in negotiating that agreement and determining what the agreement shall provide for.

Commissioner Waite noted that in most mixed-use developments there is one large store that is something of an anchor tenant that draws other tenants to the development. Mr. Barker agreed and stated the success of the overall development can be dependent on the mix of businesses. He then concluded that the proposed mixed-use zone ordinance will be on the next Planning Commission agenda for action.

Chairman Residori stated one of the things that have been discussed in the Economic Development Committee meetings is branding the City. He referenced a small town near Chandler, Arizona that must have design standards that make everything look western. Mr. Barker stated many cities do that same thing and he referenced Old Santa Fe where all the buildings appear to be constructed of adobe. Chairman Residori stated this type of zone would

allow the City to shape the buildings in the development somewhat and that may assist in branding the City. Mr. Barker agreed.

4. PUBLIC COMMENTS.

There were no public comments.

5. PLANNING COMMISSION/STAFF COMMENTS.

Mr. Barker inquired as to who is currently Vice-Chairman, to which Chairman Residori answered Vice-Chairman Thomas. Mr. Barker stated that means Vice-Chairman Thomas will assume the position of Chairman until next January when the Planning Commission elects new leadership. He stated it will be necessary to elect a new Vice-Chairman at the next meeting.

Commissioner Brown stated that during the earlier discussion with Mr. and Mrs. Hancock, it came to her mind that when the Planning Commission does approve a CUP similar to that approved for Mr. Rands, two years is too long to allow him to comply with the stipulations of the CUP; that length of time helps feed the frustration of the people that were upset in the beginning and made the complaint. She stated she would like to discuss that further. Mr. Barker stated in some instances two years may be too long and in others it is appropriate. A short discussion regarding the work to be done at Mr. Rands' property ensued with Mr. Barker stating the Planning Commission can establish guidelines for how to address those issues.

Commissioner Brown then stated that when a business is planning to undergo such drastic changes as are occurring at Intermountain Health Care (IHC), the Planning Commission should be aware of those changes. She stated they are installing a drive-thru for their pharmacy and she asked how much more land they have and how they will expand in the future. She stated there is something of a hodge-podge occurring in that area; there will be a vacated grocery store, a new marketplace, a trail, and then IHC and she would like to know what their plans are for that area. Mr. Barker stated the footprint of the IHC building did not change. Commissioner Brown argued that point. Mr. Barker stated that if the footprint would have changed he would have required it to come before the Planning Commission. Commissioner Brown stated the change is greater than just an aesthetic change. She then asked how much additional property IHC owns for expansion in the area. Building Official Kerr stated they own about twice as much space as they currently occupy. He then summarized the improvements that were made to the building and stated it was all included in the original approval. Chairman Residori stated he is excited for the changes that will happen in that area.

Chairman Residori stated that he was thankful for the opportunity to serve and he has enjoyed working with the other Commissioners and staff. He then stated he is happy the City has an Economic Development Consultant that will be working on some exciting things for the community.

6. ADJOURNMENT.

Commissioner Knight made a motion to adjourn the meeting. Vice-Chairman Thomas seconded the motion.

Voting on the motion:

Chairman Residori	yes
Vice-Chairman Thomas	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Waite	yes

The motion passed unanimously.

The meeting adjourned at 7:44 pm.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved